

JAMES VARNEY, )  
)  
Plaintiff, )  
)  
v. ) Cause No. 1:10CV62 RWS  
)  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
)  
Defendant. )

This matter is before me on a Report and Recommendation to affirm the decision of the Commissioner of Social Security to deny Plaintiff supplemental security income benefits. Plaintiff James Varney has filed timely objections to this recommendation. I find that the Report and Recommendation properly states the applicable law. As a result, I will adopt the Report and Recommendation and affirm the decision of the Commissioner.

This matter was referred to United States Magistrate Judge Frederick R. Buckles for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Buckles issued a Report and Recommendation that recommended that the Commissioner's decision to deny benefits be affirmed. Judge Buckles found that the Administrative Law Judge's (ALJ) determination that Varney was not under a disability was supported substantial evidence in the record as a whole.

Varney filed an objection to Judge Buckles’s report and recommendation. Varney’s objection is limited to two sentences that offer no argument or legal citation in support of his position. This very limited objection fails to provide me with information from the record to analyze Varney’s objections. In an effort to discern the legal and factual basis for Varney’s objection I have preformed a *de novo* review of the matters he raises.

Varney first asserts that the ALJ failed to give “proper weight to Dr. Gholson’s opinions.” Varney fails to identify what part of Dr. Gholson’s opinions were improperly discounted. A review of the record indicates that on March 28, 2007, Dr. Price Gholson performed a consultative psychiatric evaluation of Varney for a disability determination. Dr. Gholson diagnosed Varney with major depressive disorder and post traumatic stress disorder and assigned Varney a Global Assessment of Functioning score of 45. Such a score represents significant, or more than mild, mental functional limitation.

The ALJ gave no weight to Dr. Gholson’s diagnosis. The ALJ found that Dr. Gholson was not Varney’s treating physician and that his diagnosis was based on a one-time examination. The ALJ found that Varney’s treating physician, Dr. Robert Cagle’s examined and treated Varney multiple times since Varney was examined by Dr. Gholson. Dr. Cagle concluded Varney’s anxiety and depression were being effectively treated and controlled with medication.


The ALJ is decision to not give any weight to Dr. Gholson’s opinion is supported by substantial evidence in the record. See Cox v. Barnhart, 345 F.3d 606, 610 (8th Cir. 2003) (“results of a one-time medical evaluation do not constitute substantial evidence on which the ALJ can permissibly base his decision” especially when contradicted by another treating physician’s opinion).

Varney also objects to the “Magistrate’s finding that the ALJ properly evaluated Plaintiff’s [residual functional capacity] RFC.” Varney fails to offer any argument or citation to the record to specify or support this objection. I have reviewed the ALJ’s evaluation of Varney’s RFC and find that it is supported by substantial evidence in the record as a whole.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge Buckles is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the Commissioner of Social Security's decision to deny disability benefits to Plaintiff James Varney is **AFFIRMED**.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 26th day of September, 2011.